

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SURFACE SUPPLIED, INC.,

No. 13-0575 MMC

Plaintiff

v.

**ORDER DENYING DEFENDANT'S
SEPTEMBER 6, 2013 MOTION TO FILE
DOCUMENTS UNDER SEAL;
DIRECTIONS TO DEFENDANT**

KIRBY MORGAN DIVE SYSTEMS, INC.,

Defendant

Before the Court is defendant's Motion to File Documents Under Seal in Support of Motion to Dismiss, filed September 6, 2013, wherein defendant seeks leave to file under seal an exhibit consisting of pages from a deposition given by "[plaintiff's] principal," which testimony, defendant states, "may be subject to the [parties'] proposed protective order." (See Mot. at 2.) Having read and considered the administrative request, the Court rules as follows.

Under the Local Rules of this District, where a party seeks to file under seal any material designated as confidential by another party, the submitting party must file a motion for a sealing order. See Civil L.R. 79-5(d). "Within 7 days thereafter, the designating party must file with the Court and serve a declaration establishing that the designated information is sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality." Id. "If the designating party does not file its

1 responsive declaration as required by this subsection, the document or proposed filing will
2 be made part of the public record.” Id.

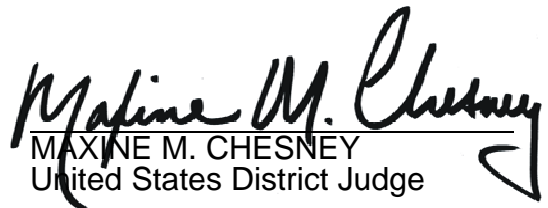
3 In this instance, the potentially designating party has not filed a responsive
4 declaration within the requisite time.

5 Accordingly, defendant's motion for administrative relief is hereby DENIED.

6 Defendant is hereby DIRECTED to file in the public record, no later than September
7 24, 2013, the above-referenced exhibit.

8 **IT IS SO ORDERED.**

9
10 Dated: September 19, 2013


MAXINE M. CHESNEY
United States District Judge